



Town of Arlington, Massachusetts
730 Massachusetts Ave., Arlington, MA 02476
Phone: 781-316-3000

webmaster@town.arlington.ma.us

Selectmen, 2002 Town Meeting report

THE BOARD OF SELECTMEN REPORT TO TOWN MEETING MONDAY, APRIL 22, 2002

Source: Office of the Board of Selectmen

The Board of Selectmen is pleased to present the following as main motions, except as noted, under the following warrant articles for consideration by the members of the 2002 Annual Town Meeting. Votes were unanimous of the Board sitting unless otherwise noted.

ARTICLE 3 APPOINTMENT OF MEASURERS OF WOOD AND BARK

To choose and appoint all the usual Town Officers not hereinbefore mentioned, in such a manner as the Town may determine, or take any action related thereto.

(Inserted by the Board of Selectmen)

VOTED: That, John A. FitzMaurice, 17 Lakeview, be and hereby is appointed Measurer of Wood and Bark until the next Annual Town Meeting.

COMMENT: The Board is grateful that Mr. FitzMaurice has agreed to continue serving in place of his late wife, Patricia, who served as Measurer of Wood and Bark from 1972-2000.

ARTICLE 8 AUTHORIZATION TO DISPOSE OF LAND

To see if the Town will vote to authorize the Selectmen to dispose of a certain parcel of land in fee simple or by easement or by any other satisfactory method to allow the passage over a certain parcel of Town owned land by privately owned vehicles to access parking at the rear of 733 Summer Street, or take any other action relating thereto.

(Inserted at the request of the Arlington Redevelopment Board)

VOTED: That the Board of Selectmen be and hereby is authorized to do all things necessary to provide an easement over Town owned land so as to permit an abutter to the Reeds Brook project to access parking at the rear of 733 Summer Street.

COMMENT: This article was submitted at the request of the Arlington Redevelopment Board which will provide more information concerning the particulars. In summary, the Town acquired certain parcels of property, from tax title accounts, to augment the Reeds Brook site. For several years an abutter to the proposed project utilized a small portion of property now owned by the Town to access a parking area in the vicinity of his home. An affirmative vote under this article will permit the Town Counsel to draft the appropriate legal document with a metes and bounds description so as to permit the abutter to continue to have such access. Town officials have been encouraged by the level of cooperation shown by the abutters in support of this very important Town project.

ARTICLE 10 BYLAW AMENDMENT/SPECIAL PLACES

To see if the Town will vote to add to the Town Bylaws a provision to provide for "Special Places" substantially as follows: "A "Special Place" shall be a property of great historical, architectural, or environmental significance to the Town, request the Selectmen to file a Home Rule petition to authorize such a provision and provide for the

protection of special places and their environment within 200 feet (if required), or take any action related thereto and which is so designated by a two-thirds vote of the Town Meeting" or take any action relating thereto.
(Inserted at the request of the Zoning Bylaw Review Committee)

VOTED: That the Board of Selectmen is requested to petition the Great and General Court for Home Rule Legislation substantially as follows:

"AN ACT AUTHORIZING THE TOWN OF ARLINGTON TO ENACT A BY-LAW TO PROTECT PLACES OF SPECIAL CULTURAL, ARCHITECTURAL AND HISTORICAL SIGNIFICANCE"

Section 1. The Town of Arlington, acting by its Town Meeting, is authorized to adopt a by-law providing for the establishment and protection of "Special Places" in the Town of Arlington.

Section 2. Such a by-law may provide, *inter alia*, for a process for nominating sites as "Special Places"; for the establishment of "Special Places" by a two-thirds vote of the Town Meeting, for a definition of "Special Places" limiting them to buildings or sites of great cultural, architectural, or historical significance to the Town; for the establishment of protective zones around such "Special Places" which may be as large as 200 feet from the lot lines of a "Special Place" (property within the protective zone which is also in a Chapter 40C Historic District would be exclusively regulated under said Chapter 40C and the Town's historic district by-laws); for notification to the owners of all property within the protective zone of a proposed "Special Place" and for regulations under which an appropriate Town body (as provided in the by-law) could regulate changes in exterior appearance which might impact a "Special Place".

Section 3. This act shall take effect upon its passage."

COMMENT: The Board supports this article submitted by the Zoning By-Law Review Committee. The proposed legislation set forth above would permit a future Town Meeting to consider a by-law that would be calculated to protect places in the Town of great historical, architectural, or cultural significance by regulating changes to the exterior appearance of structures within protective zones surrounding each special place. The by-law would establish that an existing Town body or a new Town body would have jurisdiction to regulate changes in the exterior appearance of structures within these protective zones, which would detract from the significance of these special places. The by-law might be fashioned in such a way so that the designated Town body would act in much the same way as the existing Historical District Commissions. It is important to remember that the passage of this vote does not bind the Town to any future course of action since same can only occur after full consideration, discussion and adoption of a subsequent by-law by the Town Meeting. The Zoning By-Law Review Committee will provide further information on this matter.

**ARTICLE 11 BYLAW AMENDMENT/
DESIGNATION OF SPECIAL PLACES**

To see if the Town will vote to designate the following properties as "Special Places" for the Town of Arlington: Old Schwamb Mill, Jason Russell House, Park Circle Water Tower, Central Fire Station, St. Athanasius the Great Greek Orthodox Church, and Butterfield-Whittemore House, or take any action relating thereto.
(Inserted at the request of the Zoning Bylaw Review Committee)

VOTED: That no action be taken under Article 11 of the Warrant.

COMMENT: Until the Home Rule Petition set forth in Article 10 is passed into law, there is insufficient legal authority to enact this by-law. However, it is hoped that the Zoning By-law Review Committee can receive some feedback from Town Meeting Members on how special places might be designated under the prospective by-law.

**ARTICLE 16 ZONING BYLAW AMENDMENT/
CONSTRUCTION FLOODING CORRECTIONS**

To see if the Town will vote to amend the general or zoning bylaw of the Town to require that any developer building more than ten units of housing or a commercial structure within two hundred yards of an existing stream or wetland, be required to post by a proper bond, or deposit of money or negotiable securities in lieu of a bond, ensuring their responsibility to secure performance to correct any flooding condition that may have existed prior to the related construction and or any flooding condition created as a result of said construction. Said bond will be held in effect for a period of five years and will be in an amount of no less than twenty percent of the permit application's stated

value and will be held until such time as the expiration of a five-year period without any Town or abutters claims against the applicant's bond for any flooding occurring during that period, or take any action related thereto.
(Inserted at the request of 10 Registered Voters)

VOTED: That Article 8, Wetlands Protection, of Title V of the By-laws be and hereby is amended by inserting a new Section 11 to provide as follows, and to re-number the subsequent sections of said Article as 12, 13, 14, 15, and 16.

“Section 11. Bond to Secure Corrections of Flooding Conditions.

The Conservation Commission shall require that any developer proposing to build a structure exceeding 6,000 sq. ft. in area, which structure lies within 200 yards of an existing stream or wetland be required to post a proper bond, deposit of money or negotiable securities in lieu thereof, sufficient in the opinion of the Commission to secure performance of such measures determined by the Commission as necessary to correct any flooding condition on the site of the proposed development that existed prior to the construction of same or is likely to result as a consequence of the construction. The Commission shall insure that the bond shall be in effect for a minimum of five years.”

COMMENT: The Board supports affirmative action under this article submitted by 10 registered voters. Although the existing Wetlands Protection By-law does provide sufficient authority for the Conservation Commission to require bonds for faithful performance of its orders, it nonetheless supports a more specific bond requirement to correct flooding conditions for any development consisting of the construction of a structure exceeding 6,000 sq. ft. Given that it will regulate developments, which exceed this size only, it would only effect larger scale developments as opposed to expansion of existing residential structures.

ARTICLE 17 BYLAW AMENDMENT/WETLANDS PROTECTION

To see if the Town will vote to amend the Town Bylaws Title V, Article 8 and the Conservation Commission Town Wetlands Bylaw Regulations Section 17, 18, 19 to reflect that any formerly connected wetland that has become hydrologically isolated due to human activities and is presently drained of its surface waters by man-made, subterranean drainage systems, be de facto classified as a connected, not isolated wetland and be subject to the most stringent possible wetland protection accorded to that classification, or take any action related thereto.
(Inserted at the request of 10 Registered Voters)

VOTED: That Section 9 of the Town Bylaws Title V, Article 8 be amended to read as follows:

(new language underlined but underlining not to appear in final text).

- H. “Marsh, freshwater wetland”, “swamp”, “wet meadow”, “bog” shall mean that as defined in General Laws Chapter 131, Section 40 or Regulations thereunder (310 CMR 10.00) and shall include but not be limited to any formerly connected wetland that has become hydrologically isolated due to human activities and is presently drained of its surface waters by man-made subterranean drainage systems.

COMMENT: The Board supports a favorable vote under this article that would amend the Towns Wetlands Protection By-law to emphasize that the Conservation Commission has jurisdiction over formerly connected wetlands that may have become isolated due to human activities such as the installation of drainage. As the Town has become built up, preexisting wetlands have become disconnected by the construction of drains and culverts. Although the Town Counsel and the Conservation Commission advise that the Commission already has jurisdiction over these sites, the Board supports the amendment by way of clarifying and emphasizing that these isolated areas are subject to the jurisdiction of the Commission.

ARTICLE 18 RESOLUTION/CHAPTER 40B AFFORDABLE HOUSING DEVELOPMENTS

To see if the Town will vote to adopt the following resolution:

WHEREAS, the Town of Arlington, through its elected and appointed officials, has made the objective of providing affordable housing solutions a high priority, and
WHEREAS, the Town of Arlington recognizes that Massachusetts General Law Chapter 40B was enacted by the

State Legislature with an intent of creating more opportunities for the development of affordable housing, and WHEREAS, in various communities, developers have used the threat of a 40B development as a means to gain concessions from the community and not as a means to provide additional affordable housing, and WHEREAS, the Town of Arlington has added to its bylaws a requirement that all residential developments in excess of 6 units must include a minimum of 15% units designated as affordable, It is therefore RESOLVED, that the Town of Arlington believes that Chapter 40B is not an effective means of addressing the affordable housing problem in Massachusetts, and that the Massachusetts Legislature should amend Chapter 40B by (a) restoring more control to the local community regarding height, density, and parking, and (b) providing exclusions for communities who take initiatives with their own bylaws to provide affordable housing, and (c) that any building permit that is granted by a local community after a 40B development is threatened must include a minimum of 25% units designated as affordable, or take any action related thereto.
(Inserted at the request of 10 Registered Voters)

VOTED: That the Board of Selectmen will report to Town Meeting under Article 18.

COMMENT: The Board supports the premise of this article that some changes should be made to Chapter 40B of the General Laws. This law provides that some affordable housing developments can trump local zoning by-laws on height and density requirements. The Board believes that local communities should exert more control over these developments. At the time of printing of this report, the precise wording that the Board will support had not yet been finalized. The Board will provide a recommended vote at a later date.

ARTICLE 19 REQUEST FOR LEGISLATION/SYMMES HOSPITAL SITE

To see if the Town will vote to authorize and request the Board of Selectmen to file a Home Rule Petition which would permit the Town to use revenues generated to the Town by rents, license fees, or proceeds from a sale of any or all of the site to be utilized to pay off bond indebtedness associated with the acquisition and maintenance of the site, and when such indebtedness has been retired then any additional revenues will be dedicated to reducing the tax rate in an amount sufficient to offset the additional taxes levied to pay for the acquisition and maintenance of the site; and further that the Selectmen are requested and authorized to file a Home Rule Petition which would establish an independent authority with all of the prerogatives, powers and responsibilities of an operating agency as same is defined under Chapter 121B of the General Laws so that such an agency may take jurisdiction, control and ownership of the Symmes site, or take any action related thereto.
(Inserted by the Board of Selectmen)

VOTED: That no action be taken under Article 19 of the Warrant.

COMMENT: This article was submitted by the Board at the request of the Symmes Advisory Committee. It proposes two possible courses of action. The first proposed action would be a Home Rule Petition that would permit the Town to use those revenues generated from the Symmes site to first pay off the bonded indebtedness associated with the project. When the indebtedness is retired, then whatever additional monies remain would reduce the tax rate so as to "pay back" the voters for approval of the Symmes Project. This was a promise made to the electorate in the debt exclusion vote by Town officials and the Symmes 21 Committee, the primary proponents of the debt exclusion vote.

The Symmes Advisory Committee established by the 2001 Town Meeting has recommended that no action be taken on this article at this time but that this article be inserted at subsequent Town Meetings. The Committee clearly shares the Boards view that this promise to the voters must be fulfilled. However, the drafting of the proposed home rule legislation would be extremely difficult without knowing the eventual manner and timing of the disposition. Once it is clear how the property will be developed, and in what amount the projected revenues to the Town will be, then a more coherent piece of legislation can be drafted. The Board remains committed to submitting this matter for favorable consideration at a future Town Meeting.

The Symmes Advisory Committee also recommended a no action vote under the second portion of the Warrant article relating to the passage of a Home Rule Petition to establish an independent authority to have jurisdiction over the Symmes project. This idea had some currency to it when it first appeared that it was likely that the Town would own the property for an indefinite period of time. It was felt that such a long range and complicated project could be better handled by an independent authority with just the one project under its jurisdiction rather than burdening an already busy Arlington Redevelopment Board for years to come. Given the very high level of cooperation that currently exists between the ARB and SAC, and given the potential disruption that such a change might have on the project in its formative stages, it is felt that such an action establishing a new authority is not appropriate at this time. This matter may be revisited at a future Town Meeting when the scope of the project comes

into sharper focus.

ARTICLE 20 REQUEST FOR LEGISLATION/ FIRE AND POLICE SERVICES

To see if the Town will vote to authorize and request the Selectmen to file a Home Rule Petition to clarify that the positions of the heads of Departments of Police Services and Fire Services in the Town are subject to the Civil Service Laws under Chapter 31 of the Massachusetts General Laws and that the incumbents presently occupying those positions are to be considered as duly appointed and constituted under the provisions of said law, or to take any action thereto.

(Inserted by the Board of Selectmen and at the request of the Town Manager)

VOTED: That the Town does hereby vote to authorize and request the Board of Selectmen to file home rule legislation to provide essentially as follows:

AN ACT CLARIFYING THE CIVIL SERVICE STATUS OF THE POSITIONS OF DIRECTOR OF POLICE SERVICES AND DIRECTOR OF FIRE SERVICES IN THE TOWN OF ARLINGTON.

Section 1. Notwithstanding any special or general law to the contrary the positions of the Director of Fire Services and Director of Police Services in the Town of Arlington shall be considered subject in all respects to the provisions of Chapter 31 of the General Laws except that the incumbents in those positions on the effective date of passage of this special act shall be considered to have been duly and lawfully constituted and appointed under said law. The effect the preceding sentence shall not be diminished in the event that these positions are subsequently redesignated by the Town Manager in the Town as the Fire Chief and Police Chief, respectively.

Section 2. This act will take effect upon passage.

COMMENT: This vote would authorize the Selectmen to file home rule legislation to clarify the civil service status of the current positions occupied by Director of Police Services Fred Ryan and Director of Fire Services Richard Maimone. In 1976 the then Town Manager, acting pursuant to authority in the Town Manager Act, consolidated the Police and Fire Departments into a Department of Community Safety. It was thought that some economies would be realized by combining certain support staff amongst other considerations. His right to do so was upheld by the Supreme Judicial Court in O'Leary v. Town Manager of Arlington, 356 N.E.2d 697 (1976). Also relevant for consideration, without going into detail, are the various statutes that the Town has from time to time, since at least 1912, accepted in regard to the positions of Police Chief and Fire Chief. In conjunction with the consolidation, the Town Manager abolished the position of Police Chief. In addition, the Town Meeting in 1982 successfully petitioned the Legislature to remove the position of Director of Fire Services from the provisions of the civil service laws. See Chapter 561 of the Acts of 1982. However, the legislation was written in such a way that the position of the Director of Fire Services was exempt from civil service only insofar as the position continued within a Department of Community Safety.

The present Town Manager may clearly, under the same authority exercised by the prior manager, recreate a Police Department and a Fire Department and thus abolish the Department of Community Safety. The police study commissioned by the Town strongly recommended that this occur. The Town Manager now is inclined to do so.

However, to do so without passage of this home rule legislation would call into substantial question the civil service/non civil service status of the two incumbents, Directors Ryan and Maimone. Home Rule legislation under this article would trump all existing laws and make clear that both a Police Chief and a Fire Chief position would be subject to civil service, but more importantly, that the two incumbents are to be considered as properly appointed in accordance with this law, i.e., grandfathered. No abolition of the Department of Community Safety would occur until this legislation has successfully been passed and is signed into law.

ARTICLE 21 ACCEPTANCE OF LEGISLATION/ ROOM OCCUPANCY EXCISE

To see if the Town will vote to accept the appropriate provisions of Massachusetts General Laws Chapter 64G, Room Occupancy Excise, to determine the rate of the tax to be imposed upon the transfer of occupancy of any room or rooms in a bed and breakfast establishment, hotel, lodging house, or motel located within the Town, or to take any action related thereto.

(Inserted at the request of the Finance Committee)

VOTED: That the Town does hereby accept the provisions of Section 3A of Chapter 64G of the General Laws relating to the imposition of a room occupancy excise tax, and further the Town hereby determines that the rate of such tax shall be 4 percent.

COMMENT: This article was submitted at the request of the Finance Committee and would levy a room occupancy transfer tax of 4 percent for all bed and breakfasts, hotels, lodging houses or motels in the Town. The State currently exacts a 5 percent tax levy every time there is a transfer of occupancy. Acceptance of the law would generate an additional 4 percent tax levy on such transfers for the Town. The projected monetary benefit to the town is estimated at \$110,000 for Fiscal Year 2003. The tax would take effect on the first day of the calendar quarter following 30 days after acceptance unless a later date is specified. The Finance Committee supports this recommended vote. Section 3A provides as follows:

§ 3A. Local excise tax; information concerning amount collected available

Any city or town, which accepts the provisions of this section, shall be authorized to impose a local excise tax upon the transfer of occupancy of any room or rooms in a bed and breakfast establishment, hotel, lodging house or motel located within such city or town by any operator at a rate up to, but not exceeding, four percent of the total amount of rent for each such occupancy; provided, however, that the city of Boston is hereby authorized to impose such local excise upon the transfer of occupancy of any room in a bed and breakfast establishment, hotel, lodging house or motel located within said city by any operator at the rate of up to but not exceeding 4.5 percent of the total amount of rent of each such occupancy. No excise shall be imposed if the total amount of rent is less than fifteen dollars per day or its equivalent or if the accommodation is exempt under the provisions of section two of this chapter. The operator shall pay the local excise tax imposed under the provisions of this section to the commissioner at the same time and in the same manner as the excise tax due the Commonwealth. All sums received by the commissioner under this section as excise, penalties or forfeitures, interest, costs of suit and fines shall at least quarterly be distributed, credited and paid by the state treasurer upon certification of the commissioner to each city or town that has adopted the provisions of this section in proportion to the amount of such sums received from the transfer of occupancy in each such city or town. This section shall only take effect in a city or town accepting the provisions of this section by a majority vote of the city council, in the case of a city with a Plan C, Plan D, or Plan E charter; by a majority vote of the annual town meeting or a special meeting called for the purpose, in the case of municipality with a town meeting form of government. The provisions of this section shall take effect on the first day of the calendar quarter following 30 days after such acceptance, or on the first day of such later calendar quarter as the city or town may designate. The city or town, in accepting the provisions of this section, may not revoke or otherwise amend the applicable local tax rate more often than once in any twelve month period.

ARTICLE 22 PROCUREMENT OF FUEL EFFICIENT TOWN VEHICLES

To see if the Town will vote that when the Town of Arlington purchases motor vehicles for its municipal operations, each vehicle purchased must be the most fuel-efficient model available that will fulfill the intended municipal function; provided that the vehicle also meets other normal procurement criteria, including price and reliability, to amend the bylaw to accomplish same if appropriate, or take any action related thereto.

(Inserted at request of Sustainable Arlington Committee of Environment Task Group/Vision 2020 and 10 Registered Voters)

VOTED: That the Title I, General Government, of the by-laws be and hereby is amended by adding a new article to be enumerated as No. 19 to provide as follows:

ARTICLE 19 FUEL EFFICIENT VEHICLES

When the Town purchases motor vehicles for its municipal operations, each vehicle purchased must be the most fuel-efficient model available that will fulfill the intended municipal function; provided that the vehicle also meets other normal procurement criteria, including price and reliability. Nothing contained herein shall be construed to derogate from the authority and discretion of the procurement officer of the Town acting pursuant to the

Uniform Procurement Law, Chapter 30B of the General Laws.

COMMENT: The Board supports the proponents of this article in their attempt to save energy and prevent pollution by purchasing fuel-efficient automobiles provided that other safety and service related requirements are met.

**ARTICLE 23 BYLAW AMENDMENT/
SPECIAL TRASH COLLECTION FEES**

To see whether the Town will vote to modify the Town Bylaws by adding a provision requiring a fee of \$15.00 for pickup of white goods (i.e., major household appliances, water heaters, and air conditioners) and items containing Cathode Ray Tubes (CRTs) (i.e., televisions and computer monitors) by the Town, replacing the previously enacted provision for items with CRTs, or take any action related thereto.

(Inserted at the request of 10 Registered Voters)

VOTED: That no action be taken under Article 23 of the Warrant.

COMMENT: This article was submitted by 10 registered voters and proposes a fee for the pick up of major household appliances including televisions and computer monitors. Last year the Town Meeting approved a pick up fee for these cathode ray tubes of \$30.00. This article proposes that so-called white goods also require a \$15.00 fee for pick up and would reduce the CRT fee to \$15.00. The Board is sympathetic to many of the arguments put forth by the proponents. However, on balance it believes that given the recent debt exclusion votes, that no additional burdens should be placed upon taxpayers in the Town. Moreover, it is concerned that additional collection fees might pave the way for a general trash pick up fee which it staunchly opposes.

**ARTICLE 24 DIRECTION TO COMMITTEE/
COMMUNITY PRESERVATION ACT**

To see if the Town will direct the Community Preservation Act Study Committee to work with the Capital Budget Committee and the Redevelopment Board to develop an addendum to the Capital Plan that will include projects that would be funded by Community Preservation Act revenues when the Community Preservation Act is accepted by the Town and further, to see if the Town will accept the provisions of the Community Preservation Act, or take any action related thereto.

(Inserted at the request of 10 Registered Voters)

VOTED: That the Town hereby requests the Community Preservation Act Study Committee to work with the Capital Budget Committee and the Redevelopment Board to develop an addendum to the Capital Plan that would include proposed projects that could be funded by revenues generated by the acceptance of the Community Preservation Act. The Community Preservation Act Study Committee is requested to report the results of these efforts at the 2003 Annual Town Meeting or such other Town Meeting that it determines.

COMMENT: The proponents of this article have decided not to request the acceptance of the Community Preservation Act at this time, but rather would prefer that the Town authorize the above-referenced action so that future Town Meetings may have a better understanding of the possible benefits of acceptance of the Act. The Study Committee will make a further presentation under this article.

ARTICLE 25 RELEASE OF DEED RESTRICTIONS/WATER STREET

To see if the Town will vote to authorize the Board of Selectmen to release certain conditions contained in a deed from the Town for certain property off of Water Street as authorized in a vote under Article 66 of the 1972 Town Meeting, or to take any action related thereto.

(Inserted at the request of 10 Registered Voters)

VOTED: The Town hereby releases those restrictions contained in a deed for a parcel of land off Water Street which restrictions were contained in said deed by virtue of a vote under Article 66 of the 1972 Annual Town Meeting.

COMMENT: This article was submitted at the behest of the owners of the proposed development of Russell Place Condominium off of Water Street. This is a 40-unit project in 11 separate buildings. One of the buildings is planned to be built on the parcel referenced herein, which will contain four units. The parcel contains about 6,000 sq. ft. and was conveyed by the Town in 1972 to prior owners by virtue of authority of Article 66 of the Warrant of that year. The Town received a like-sized parcel to add to the adjoining playground from the then owners. The Town

placed a condition on the land it conveyed which stated if the Town were to reacquire the property by eminent domain, then the eminent domain damages would be limited to \$2.00 per square foot for land value exclusive of improvement thereon. The present developers request in this article to have that restriction removed so as to facilitate the development. It is important to note that this condition in favor of the Town would expire by operation of law on June 10, 2004, unless extended. If not removed, the restriction would preclude the sale of these units as condominiums since financing could not be obtained by prospective buyers. Counsel for the developers has indicated that if the restriction is extended the buildings will house rental units instead. The parcel abuts Buzzell Field near the tot lot. The lot has no frontage and thus is not buildable except as part of the development and is located on top of a prior ash dump. The Board sees no reason to inhibit the development of this parcel and recommends favorable action.

ARTICLE 26 BYLAW AMENDMENT/ENFORCEMENT OF FEES/ BOARD OF HEALTH

To see if the Town will vote to amend Title IX, Enforcement of Fees, in Section 5A Board of Health of Article 3 by reducing the \$500.00 fee for tobacco vendors or to take any action related thereto.

(Inserted at the request of 10 Registered Voters)

VOTED: That no action be taken under article 26 of the Warrant.

COMMENT: Ten registered voters purporting to represent certain small businesses in the Town that sell cigarettes submitted this article. Last year the Town Meeting established an increased fee of \$500.00 for tobacco vendors. The proponents of this article suggest that such a fee is too onerous especially on small businesses. The proponents did not appear at the Selectmens hearing on this article despite being invited to attend.

Any fees charge by a Town department cannot be punitive and can only represent the fair cost of providing the municipal service related to the fee. The Board believes that the \$500.00 fee is however appropriate and strongly supports the Board of Healths efforts in this area especially as it relates to providing monitoring of underage purchases and a program to discourage smoking by minors. A no action vote is strongly recommended.

ARTICLE 27 BYLAW AMENDMENT/TOWN MEETING TIME

To see if the Town will vote to amend the bylaws to change all references to the 1962 edition of *Town Meeting Time* into references to the 1984 and/or 2001 editions of *Town Meeting Time*, or take any action related thereto.

(Inserted at the request of 10 Registered Voters)

VOTED: That Section 3 "Duties of Moderator" of Article 1, Town Meetings, of Title I of the by-laws be and hereby is amended by striking out the words "Little Brown and Company, Boston 1962" and inserting in place thereof the words "Massachusetts Moderators Association 2001."

COMMENT: This 10 registered voters article is housekeeping in nature and proposes that the latest edition of the "Town Meeting Time, A Handbook of Parliamentary Law" be used in lieu of the currently referenced 1962 version.

This book forms the basis of some of the parliamentary rules under which Town Meeting operates. The Town Moderator advises that the compilers of the new third edition made very few changes from prior editions, which are now out of print.

ARTICLE 28 BYLAW AMENDMENT/ FINANCIAL INTEREST DISCLOSURE

To see if the Town will vote to amend the bylaws to require that speakers before Town Meeting disclose any direct financial interest they have in the matter they are discussing, or take any action related thereto.

(Inserted at the request of 10 Registered Voters)

VOTED: That Title 1, Article 1, Section 7, B of the By-Laws of the Town of Arlington be amended by adding the words "A Town Meeting Member who speaks upon any matter in which the speaker or his or her immediate family has a direct financial interest shall first disclose such interest to the meeting. The words direct financial interest shall include, but not be limited to, employment as attorney or consultant with respect to the matter." Title 1, Article 1, Section 7, B would then read in its entirety: "Every person desiring to speak shall arise, address the chair and on obtaining recognition, shall stand, while speaking, unless the Moderator otherwise directs. A Town Meeting Member who speaks upon any matter in which the speaker or his or her immediate family has a direct financial interest shall first disclose such interest to the meeting. The words direct financial interest shall include, but not be limited to, employment as attorney or consultant with respect to the matter."

COMMENT: Although the Board has great faith in the integrity of Town Meeting Members, it nonetheless supports this 10 registered-voter article, which is calculated to make sure that Town Meeting Members divulge any financial interest they have in matters upon which they speak at Town Meeting. The principal proponent of this article has pointed out that other communities that have enacted comparable provisions have found them effective in encouraging conflict of interest disclosures. The Town Counsel has indicated that he cannot guarantee that the enactment of this by-law will pass Attorney General scrutiny since Town Meeting Members are exempt from the provisions of the State Conflict of Interest Law. He, however, raises no objection to favorable action.

ARTICLE 29 ENDORSEMENT OF CDBG APPLICATION

To see if the Town will vote to endorse the application for Federal Fiscal Year 2003 prepared by the Town Manager and the Board of Selectmen under the Housing and Community Development Act of 1974 (PL 93-383) as amended, or take any action related thereto.

(Inserted by the Board of Selectmen and at the request of the Town Manager)

VOTED: That the Town does hereby vote to endorse the application for Federal Fiscal Year 2003 prepared by the Town Manager and the Board of Selectmen under the Housing and Community Development Act of 1974 (PL 93-383 as amended).

ARTICLE 30 AUTHORITY TO FILE FOR GRANTS

To see if the Town will vote to give the Town Manager, the Board of Selectmen, the Superintendent of Schools, and the School Committee, the general authority to file applications and to accept grants from the Federal Government, the Commonwealth of Massachusetts and/or any grant-making organization/body during Fiscal Year 2003, or take any action related thereto.

(Inserted at the request of the Town Manager and the Superintendent of Schools)

VOTED: That the Town Manager, Board of Selectmen, the Superintendent of Schools, and the School Committee shall have the general authority to file applications and to accept grants.

COMMENT: The General Laws provide that the above-referenced officials have the right to file for grants and accept same on behalf of the Town. However, some grant giving authorities prefer to see a Town Meeting vote.

ARTICLE 31 EARLY RETIREMENT

To see if the Town will vote to accept any permissive legislation related to retirement changes and/or Early Retirement, or take any action related thereto.

(Inserted at the request of the School Committee and the Superintendent of Schools)

VOTED: No action be taken under Article 31 of the Warrant

COMMENT: Articles 31, 32 and 33 are submitted each year by the Superintendent of Schools in the event that permissive legislation is enacted in the various categories of early retirement, education reform, and special education. No bills are currently pending related to these matters, but the Board reserves the right to propose a different motion in the event any are enacted.

ARTICLE 32 EDUCATION REFORM

To see if the Town will vote to accept any permissive legislation relative to education reform and/or to apply and accept any educational funds as appropriated by the legislature, or take any action related thereto.

(Inserted at the request of the School Committee and the Superintendent of Schools)

VOTED: That no action be taken under Article 32 of the Warrant.

COMMENT: See Comment under Article 31.

ARTICLE 33 SPECIAL EDUCATION

To see if the Town will vote to accept any permissive legislation concerning special needs students, or take any action related thereto.

(Inserted at the request of the School Committee and the Superintendent of Schools)

VOTED That no action be taken under Article 33 of the Warrant.

COMMENT: See Comment under Article 31.

**ARTICLE 34 APPROPRIATION/LAND ACQUISITION
 ESTABLISH MUNICIPAL LIGHT AND POWER COMPANY**

To see if the Town will vote to accept the applicable provisions of the Massachusetts General Laws including without limitation Chapter 164 relating to the establishment of a municipal light and power company, to authorize the Selectmen or other appropriate agency to take by eminent domain or purchase or lease that property which is owned by existing electrical and power companies doing business in the Town, appropriate a sum of money to fund such an acquisition including the possibility of borrowing all or part of such funds, to determine how the money will be raised and expended, to authorize ballot questions to seek the approval of the electorate, or to take any action related thereto.

(Inserted at the request 10 Registered Voters)

VOTED: The Town does hereby establish a committee to study the feasibility of establishing a municipal power and light company. Said committee shall consist of seven members including the Town Manager or his designee, the Town Treasurer or his designee, the Chair of the Capital Planning Committee or his designee, the Chairman of the Finance Committee or his designee, two members to be appointed by the Board of Selectmen, and one member to be appointed by the Town Moderator. The appointing authorities should consider for appointment those individuals who by education and experience are knowledgeable in matters related to the economics of power generation and distribution. The committee will organize and conduct its affairs in accordance with Section 9 of Article 1 of Title I of the by-laws, however, its members need not be registered voters in the Town. The Town Manager or his designee will serve as chairman and shall call the initial meeting of the committee. The charge of the committee will be to examine the feasibility and economic viability of establishing a municipal power and light company to be owned by the Town pursuant to the provisions of M.G.L. c. 164 or special act. It shall make its recommendations to the 2003 Annual Town Meeting or to any intervening or subsequent Town Meeting to which it is prepared to report. The Finance Committee supports the recommended vote of the Board of Selectmen.

COMMENT: This article was submitted by ten registered voters and clearly grew out of disenchantment with the level of service being provided by the Towns electric utility company, NStar. It proposes the acceptance of Chapter 164 of the General Laws, which establishes a municipal power and light company. Several municipalities in the Commonwealth have such an arrangement including Concord and Belmont although none has established such an enterprise for many years. To establish such a company the Town Meeting would first have to accept the applicable provisions of law and the general electorate would have to approve such an establishment by a two-thirds vote at two successive town elections. The company would be governed by a Light Board whose members are elected. The Light Board in conjunction with the Town would have eminent domain powers to take the existing poles, wires, and other property belonging to NStar and could issue bonds and notes for this purpose. The State Department of Energy determines the appropriate price the Town would pay for this taking, which is also subject to court review. The day-to-day operation of the enterprise is under a manager appointed by the Light Board.

Obviously, the establishment of such a company would be a huge undertaking fraught with substantial risk. However, the Board believes that opportunities for better and cheaper service dictates that the matter ought to be studied by a committee whose recommendations will be brought before a future Town Meeting.

ARTICLE 35 ARLINGTON RESERVOIR

To see if the Town will vote to establish goals and a management structure and plan for the Arlington Reservoir area, in order to protect its ecosystem and uses, or take any other action relating thereto.

(Inserted at the request of Reservoir Committee of the Vision 2020 Environment Task Group and Vision 2020 Standing Committee)

VOTED: That the Town hereby endorses the goals and management plan for the Arlington Reservoir area as recommended by the Reservoir Committee of the Vision 2020 Environmental Task Group and Vision 2020 Standing Committee calculated to protect the ecosystem of the Arlington Reservoir area.

COMMENT: The Board strongly endorses the proposed goals and management plan proposed by the above-referenced Committees, which will provide more information about the particulars before Town Meetings consideration of this vote.

ARTICLE 36 UNCLE SAM TRUST

To see if the Town will vote to amend the vote under Article 49 of the 1999 Annual Town Meeting to do all things necessary to establish a charitable trust to be named The Uncle Sam Birthplace Trust, the purposes of which are, without limitation, to create a greater public appreciation and understanding of Samuel Wilson/Uncle Sam, and the effect of his life and role as our National Symbol; to aid in the preservation of the Uncle Sam Statue; to establish, develop and maintain a facility to hold artifacts related to Uncle Sam, etc., or take any action related thereto.

(Inserted at the request of The Uncle Sam Committee)

VOTED: That the Town hereby endorses the establishment of a trust or other charitable entity which would receive and administer grants and donations calculated to foster public recognition of Arlington as the birthplace of our national symbol.

COMMENT: The Board supports favorable action on this ten registered voter article. It applauds the proponents and their efforts to publicize and foster recognition of the Town as the birthplace of Sam Wilson.

ARTICLE 37 REVOLVING FUNDS

To see if the Town will vote the following:

A. Private Way Repair - to reauthorize the revolving fund established under Article 46 of the 1992 Annual Town Meeting relating to defraying the cost of private way repairs, to hear or receive a report concerning the receipts and expenditures of same; to appropriate a sum of money to augment existing funds, and determine how the money shall be raised and expended;

B. Public Way Repair - to reauthorize the revolving fund established under Article 45 of the 1992 Annual Town Meeting relating to the maintenance of public ways; to hear or receive a report concerning the receipts and expenditures of same;

C. Fox Library - to reauthorize the revolving fund established under Article 49 of the 1996 Annual Town Meeting relating to the Fox Library and Community Center; to hear or receive a report concerning the receipts and expenditures of same;

D. Robbins House - to reauthorize the revolving fund established under Article 77 of the 1997 Annual Town Meeting relating to the Whittemore-Robbins House; to hear or receive a report concerning the receipts and expenditures of same;

E. Conservation Commission - to reauthorize the revolving fund established under Article 44 of the 1996 Annual Town Meeting relating to consultant fees charged by the Conservation Commission; to hear or receive a report concerning the receipts and expenditures of same;

F. Tuition Payments to reauthorize the revolving fund established under Article 34 of the 1999 Annual Town Meeting relating to grants or reimbursements paid by another governmental entity including tuition payments of U.S. citizen students; to hear or receive a report concerning the receipts and expenditures of same;

G. All Day Kindergarten - to reauthorize the revolving fund established under Article 31 of the 2000 Annual Town Meeting for all day kindergarten under the auspices of the School Department, to hear or receive a report concerning the receipts and expenditures of same;

H. Uncle Sam to reauthorize the revolving fund established under Article 31 of the 2000 Annual Town Meeting for the Uncle Sam program that promotes Arlington as the "Birthplace of Uncle Sam" under the auspices of the Uncle Sam Committee, to hear or receive a report concerning the receipts and expenditures of same;

I. Hardy After School Program to reauthorize the revolving fund established under Article 51 of the 2001 Annual Town Meeting for the after school program at the Hardy School, to hear or receive a report concerning the receipts and expenditures of same;

J. Life Support Services to reauthorize the revolving fund established under Article 6 of the May, 2001 Special Town Meeting for basic life support and advanced life support services which provides for billing and payment to other entities in the Town to take account of new Medicare regulations; to hear or receive a report concerning the receipts and expenditures of same;

To appropriate a sum of money for same, determine how the money shall be raised and expended; or take any action related thereto.

(Inserted by the Board of Selectmen)

VOTED: That those revolving funds as stated below are hereby re-authorized by the Town for Fiscal Year 2003. The Town also votes to receive the following reports of the appropriate Town official having jurisdiction over same of the receipts and expenditures in the calendar year 2001.

A. Private Way Repair to reauthorize the revolving fund as established under Article 46 of the 1992 Annual Town Meeting and expenditures not to exceed \$50,000.

Beginning Balance: \$2,720.56

Receipts: 0

Expenditures: 0

Balance: \$2,720.56

B. Public Way Repair to reauthorize the revolving fund established under Article 45 of the 1992 Annual Town Meeting and expenditures not to exceed \$50,000.

Beginning Balance: \$1,091.75

Receipts: 0

Expenditures: 0

Balance: \$1,091.75

C. Fox Library to reauthorize the revolving fund established under Article 49 of the 1996 Annual Town Meeting relating to receipts received at the Fox Library/Community Center and expenditures not to exceed \$20,000.

Beginning Balance: \$3,735.00

Revenues: \$2,057.00

Expenditures: \$1,730.00

Balance: \$ 4,062.00

D. Robbins House to reauthorize the revolving fund authorized under Article 77 of the 1997 Annual Town Meeting and expenditures not to exceed \$75,000.

Beginning Balance: \$ 17,658.00

Revenues: \$ 14,120.00

Expenditures: \$ 11,048.00

Balance: \$ 20,730.00

E. Conservation Commission to reauthorize the revolving fund established under Article 44 of the 1996 Annual Town Meeting relating to consultant fees charged by the Conservation Commission and expenditures not to exceed \$50,000.

Beginning Balance: \$17.97

Revenues: \$2,903.07

Expenditures \$3,000.00

Balance: \$521.04

F. Tuition Payments to reauthorize the revolving fund established under Article 34 of the 1999 Annual Town Meeting relating to the receipts including grants and reimbursements paid any governmental entity for tuition payments for non-U.S. citizen students with expenditures not to exceed \$20,000.

Beginning Balance: \$ 27,880.00

Receipts: \$ 12,000.00
 Expenditures: \$650.00
 Ending Balance: \$39,230.00

G. All Day Kindergarten to reauthorize a revolving fund established under Article 31 of the 2000 Annual Town Meeting for all day kindergarten under the auspices of the School Department.

Beginning Balance: \$ 97,913.00
 Receipts: \$167,366.00
 Expenditures: \$255,679.00
 Ending Balance: \$ 9,600.00

H. Uncle Sam to reauthorize a revolving fund established under Article 31 of the 2000 Annual Town Meeting for the Uncle Sam program that promotes Arlington as the "Birthplace of Uncle Sam" under the auspices of the Uncle Sam Committee.

Beginning Balance: \$2,105.00
 Receipts: 0
 Expenditures: \$407.20
 Ending Balance: \$1,697.80

I. Hardy School Program to reauthorize the revolving fund established under Article 51 of the 2001 Annual Town Meeting for the after school program at the Hardy School with expenditures not to exceed \$100,000.

Beginning Balance: 0
 Receipts: \$32,745.00
 Expenditures: \$21,351.00
 Ending Balance: \$11,394.00

J. Life Support Services to reauthorize the revolving fund established under Article 37 of the 2001 Annual Town Meeting for emergency medical services with expenditures not to exceed \$400,000.

Beginning Balance 0
 Receipts: \$70,136.00
 Expenditures: \$51,331.00
 Ending Balance: \$18,805.00

ARTICLE 38 ACCEPTANCE OF LEGISLATION/ EARLY RETIREMENT INCENTIVE (ERI) PROGRAM

To see if the Town will vote to accept any legislation related to retirement changes and/or an Early Retirement Incentive (ERI) Program; or take any action related thereto.
 (Inserted at the request of the Contributory Retirement Board)

VOTED: That the Board of Selectmen will report to the Town Meeting on this article.

COMMENT: There is pending in the legislature a bill that would permit early retirement for municipal employees. At the time of the printing of the report, it has not been enacted. If it does, the Board will provide a recommended vote.

ARTICLE 40 RATIFICATION OF VOTE/SUPPLEMENTAL APPROPRIATION/ INCREASED DEPENDENT ALLOWANCE

To see if the Town will vote to ratify the action of the Contributory Retirement Board, which voted to accept the provisions of General Laws Chapter 32, Section 7, Subsections (2) (a) (iii), and General Laws Chapter 32, Section 9, Subsections (2) (d), providing a mechanism for increasing the cost of living allowances paid for dependents of disability retirees and dependents of members who die as the result of a job-related injury, determine how the money shall be raised and expended; or take any action related thereto.
 (Inserted at the request of the Contributory Retirement Board)

VOTED: That the Town hereby accepts the provisions of Subsection (2) (a) (iii) of Section 7 and Subsection (2) (d) of Section 9 of Chapter 32 of the General Laws providing for a cost of living increase in the living allowance paid to dependants of disabled retirees and dependants of employees who have died as a result of a job-related injury.

COMMENT: This article, submitted at the request of the Retirement Board, proposes ratification of that Board's acceptance of certain permissive provisions of the state retirement law, which would permit an increase in the cost of living allowance of children or other dependants of former Town employees who have retired or died due to a job-related injury. There are currently six individuals who would be benefited by this. The total cost to the Town to increase the benefits for these present recipients would be \$2,721.84 for the current year.

Section 7(2)(a)(iii) provides as follows:

A yearly amount of additional pension determined at the rate of three hundred and twelve dollars yearly for any surviving unmarried child of such member who is under age eighteen or who was over said age and physically or mentally incapacitated from earning on the date of such member's retirement; provided, however, that in the state and teachers systems any other system electing to adopt the supplemental dependent allowance, the yearly amount of such additional pension shall be determined by the actuary as hereinafter provided. Such additional pension on account of any child shall be paid only so long as such child survives, remains unmarried and is under the age of eighteen or, if over said age, remains physically or mentally incapacitated from earning or, if over said age and under age twenty-one, is a full-time student at an accredited educational institution. The words "full-time student" shall mean a child who is in full-time attendance in an accredited educational institution offering full-time courses of study equivalent to or higher than secondary school study. The words "accredited educational institution" shall mean any school, college, or university that is licensed, approved, or accredited, as the case may be, in the state in which it is located. Beginning July first, nineteen hundred and eighty-eight, the additional pension provided by the supplemental dependent allowance shall be fixed at a rate of four hundred and fifty dollars for each eligible child. Beginning July first, nineteen hundred and eighty-nine, the supplemental dependent allowance rate shall be increased by an amount equal to the percentage increase of the cost of living determination made by the general court for such year pursuant to section one hundred and two. Systems may adopt the supplemental dependent allowance by an affirmative vote of the retirement board, ratified by the chief executive officer and legislative body as defined in paragraph (c) of subdivision (8) of section twenty-two. Adoption of the supplemental allowance by any system may not be revoked.

Section 9(2)(d) provides as follows:

If there are any surviving unmarried children of such member who are under age eighteen or who are over said age and physically or mentally incapacitated from earning on the date of his death, or who are over said age and under age twenty-one and full-time students at an accredited educational institution, an additional pension at the rate of three hundred and twelve dollars yearly shall be paid for each such child to the child's natural or legal guardian so long as such child survives, remains unmarried, and is under age eighteen or if over said age remains physically or mentally incapacitated from earning or, if over said age and under age twenty-one remains a full-time student. The words "full-time student" shall mean a child who is in full-time attendance in an accredited educational institution offering full-time courses of study equivalent to or higher than secondary school study. The words "accredited educational institution" shall mean any school, college, or university that is licensed, approved or accredited, as the case may be, in the state in which it is located.

ARTICLE 57 BYLAW AMENDMENT/WETLANDS PROTECTION

To see if Town Meeting will amend Article 8 of Title V of the Town's Bylaws, Wetlands Protection, to clarify that the applicant rather than the Commission is responsible for providing by mail notice of the time and place of public hearings, and to clarify and increase the consultant fees the Commission may charge to an applicant, or take any action thereto.

(Inserted at the request of the Conservation Commission)

VOTED: That Article 8, Wetlands Protection, of Title V of the By-laws be amended by striking out the words "the Conservation Commission," and substituting the word, "and" so that the by-law as amended in relevant part provides as follows:

"Section 5. Public Hearing. Notice of the time and place of a public hearing on any appropriate application

specified in this by-law shall be given by and at the expense of the applicant, not less than five days prior to such hearing by publication in a newspaper of general circulation in Arlington," etc.

COMMENT: The Board supports the Conservation Commissions request to clarify the present by-law so as to make it clear that public notices are the responsibility of the applicant for hearings considering the applicability of the wetlands by-law. This is consistent with practice by other Town boards.

ARTICLE 58 BYLAW AMENDMENT/ENLARGEMENT OF PLEASANT STREET HISTORIC DISTRICT

To see if the Town will vote to enlarge the Pleasant Street Historic District, established by vote under Article 32 of the 1988 Annual Town Meeting (By-laws, Title VII, Article 1, Section 4) by adding thereto the land and buildings now known as and numbered 7, 11, 12, 14, 16, and 17 Pelham Terrace, and 30 Academy Street (formally called 20 Pelham Terrace), said properties being bounded and described as follows:

Beginning at a point in the southeasterly corner of the rear property line of the property numbered 12 Pelham Terrace, said point abutting the Pleasant Street Historic District, thence going northwesterly along the rear lot lines of the properties numbered 12, 14 and 16 Pelham Terrace a distance of 208.15 feet to a point at the southeasterly corner of the property numbered 30 Academy Street, thence continuing northwesterly among the southerly lot line of the property numbered 30 Academy Street a distance of 122+/- feet to a point at the rear property line of the property numbered 32 Academy Street, thence going northeasterly along said lot line a distance of 60.0 feet to a point, thence going northwesterly along said lot line of the property numbered 32 Academy Street a distance of 10.0 feet to a point, thence going northerly and Northwesterly on two courses along said lot line of the property numbered 32 Academy Street distances of 74.24 feet and 83.58 feet to the easterly sideline of Academy Street, thence continuing northeasterly along the easterly sideline of Academy Street a distance of 20.75 feet to a point, thence going southeasterly along the southerly sideline of the property numbered 28 Academy Street distances of 75.05 feet and 65.20 feet to a point, thence going northeasterly along the rear lot line of the property numbered 28 Academy Street a distance of 48.35 feet to a point on the northerly sideline of said property, thence going southeasterly on the northerly sideline of the property numbered 30 Academy Street and along the rear property line of the properties numbered 17, 11 and 7 Pelham Terrace a distance of 341.97 to a point on the existing Pleasant Street Historic District line and the rear lot line of the property numbered 93 Pleasant Street, thence going southwesterly along the rear lot line of said property a distance of 26.0 feet to a point, thence going southeasterly along the same lot line a distance of 16.97 feet to a point, thence continuing southwesterly along the same lot line and across Pelham Terrace, distances of 63.36 feet and 40.0 feet to a point on the southerly sideline of Pelham Terrace, a distance of 25 feet+/- to a point at the northeasterly sideline of the property numbered 12 Pelham Terrace, thence going southwesterly along said sideline a distance of 100.97 feet to the point of beginning. As shown on a Plan entitled "Pelham Terrace Historic District Expansion, Arlington, Massachusetts" by Richard A. Bento, Town Engineer, December 2001,

and to amend the Bylaws accordingly, or take any action related thereto.

(Inserted at the request of the Arlington Historic District Commissions)

VOTED: Favorable action as provided in the Historic District Commissions Report.

COMMENT: The Board supports the expansion of the Pleasant Street District for the reasons set forth in the Commissions report to Town Meeting.

ARTICLE 59 RIGHT OF FIRST REFUSAL/MT. PLEASANT CEMETERY

To see if the Town will vote to authorize the Board of Selectmen and/or the Town Manager to enter into agreements with individuals who own property near the Mount Pleasant Cemetery so that the Town would obtain a Right of First Refusal, by which the Town would secure an option to purchase property from such individuals for cemetery expansion purpose, to appropriate a sum of money to fund same, including the possibility of borrowing; to determine how the money will be raised and expended, or to take any action related thereto.

(Inserted at the request of the Town Manager)

VOTED: That no action be taken under Article 59 of the Warrant.

COMMENT: The Board of Selectmen, Town Manager, and Board of Cemetery Commissioners are concerned with the fact that burial space at the Town Cemetery is projected to run out in approximately seven years. Fiscal constraints preclude an affirmative vote under this article this year. However, this issue is a priority and a number of solutions will be examined.

ARTICLE 66 APPROPRIATION/TRANSPORTATION STUDY

To see if the Town will vote to appropriate a sum of money to fund a Town-wide study to examine transportation issues including without limitation the impact of increasing traffic volume and parking issues throughout all neighborhoods in the Town, determine how the money will be raised and expended, including the possibility of borrowing, or take any action related thereto.

(Inserted at the request of the Selectmens Transportation Advisory Committee)

VOTED: That the Board of Selectmen strongly urges favorable action and encourages an affirmative vote by the Finance Committee under this article given that the problems of traffic control, public safety, and parking have been identified in recent years as some of the most important issues in our community. The Board is very appreciative of the excellent work being accomplished by its Transportation Advisory Committee. Some additional funds are needed to secure the assistance of consultants to augment existing funds so that the Board can continue to address these matters of vital concern.